

Remarks/Arguments:

The above Amendments and these Remarks are in reply to the Office Action mailed August 16, 2005.

Claims 1-36 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-36.

Claims 1-2, 5, 7-10, 12-13, 16, 18, 19-21, 23-24, 27, 29-31, 32 and 34-36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldis et al., U.S. Patent Application Publication No. 2004/0039916 in view of Hastings et al., U.S. Patent Application Publication No. 2004/0034603.

Claims 3, 11, 14, 22, 25 and 33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldis et al., Patent Application Publication No. 2004/0039916 in view of Hastings U.S. Patent Application Publication No. 2004/0034603 as applied to claim 1 above, and further in view of Ramachadran et al., U.S. Patent Application Publication No. 2003/0083998.

Claims 4, 6, 15, 17, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldis et al., U.S. Patent Application Publication No. 2004/0039916 in view of Hastings U.S. Patent Application Publication No. 2004/0034603 as applied to claim 1 above, and further in view of Eng. U.S. Patent Application Publication No. 2002/0169725.

The Applicant respectfully traverses these rejections.

Independent claims 1, 12 and 23 read as follows:

1. A method comprising:

maintaining a software license bank for a customer, software licenses stored in the software license bank not being associated with specific machines;

accessing a web application to allow a user to automatically obtain a software license for a specific machine from the software license bank, wherein the software license is associated with a first license key; and

upgrading/downgrading software associated with first license key including obtaining a second license key and disabling the first license key.

12. A license management system comprising:

a memory adapted to store a software license bank for a customer, software licenses stored in the software license bank not being associated with specific machines; and

a processor adapted to provide a web application to allow a user to automatically obtain a software license for a specific machine from the software license bank wherein the software license is associated with a first license key and wherein the processor is adapted to upgrade/downgrade software associated with

first license key including obtaining a second license key and disabling the first license key.

23. A computer readable media comprising software to instruct a computer to do the steps of:

maintaining a software license bank for a customer, software licenses stored in the software license bank not being associated with specific machines;

in response to a user accessing a web application, allowing the user to automatically obtain a software license for a specific machine from the software license bank wherein the software license is associated with a first license key; and

upgrading/downgrading software associated with first license key including obtaining a second license key and disabling the first license key.

The independent claims have the limitation that the software licenses associated with a first license key is upgraded/downgraded, including obtaining a second license key and disabling the first license key. Such a limitation is not shown, suggested or given a motivation for in the cited references.

In particular, this limitation is not shown or suggested in the Hastings reference. The Hastings reference does not use a license key for the software. Although, Hastings describes upgrading/downgrading the software, this upgrading/downgrading is not associated with any license keys. Paragraph 57 of the Hastings reference describes numbers used with the system of Hastings. These numbers include a users PIN; a serial number file with a unique identifier for the smart card; and an external key file including a DES encryption key that also provides access to files in an associated directory.

None of these numbers can be considered to be a license key for the software. None of these numbers are associated with a software instance, but are instead associated with a smart card or the user. None of these numbers are changed upon a software upgrade/downgrade.

For these reasons, the combination of Hastings with the other cited prior art would not produce the system of the present invention.

Dependent claims 2-11, 13-22 and 24-36 are dependent upon the independent claims and for that reason, and for the additional limitations of these claims, these claims are believed to be allowable. For the above discussed reasons claims 1-36 are believed to be allowable.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The

Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: _____


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